

**CHILD WELFARE SUNSET PROVISIONS**

2019 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill amends child welfare provisions that are scheduled to sunset in 2019.

**Highlighted Provisions:**

This bill:

- ▶ extends the sunset date for the psychotropic medication oversight pilot program until July 1, 2029;
- ▶ requires the division to report to the Child Welfare Legislative Oversight Panel every other year on the work of the psychotropic medication oversight pilot program; and
- ▶ extends the sunset date for the child protection unit pilot program until December 31, 2021.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**62A-4a-213**, as enacted by Laws of Utah 2016, Chapter 231

**63I-1-262**, as last amended by Laws of Utah 2018, Chapters 74, 220, 281, and 347

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **62A-4a-213** is amended to read:

**62A-4a-213. Psychotropic medication oversight pilot program.**

(1) As used in this section, "psychotropic medication" means medication prescribed to affect or alter thought processes, mood, or behavior, including antipsychotic, antidepressant, anxiolytic, or behavior medication.

(2) The division shall, through contract with the Department of Health, establish and

operate a psychotropic medication oversight pilot program for children in foster care to ensure that foster children are being prescribed psychotropic medication consistent with their needs.

(3) The division shall establish an oversight team to manage the psychotropic medication oversight program, composed of at least the following individuals:

(a) an "advanced practice registered nurse," as defined in Subsection 58-31b-102(14), employed by the Department of Health; and

(b) a child psychiatrist.

(4) The oversight team shall monitor foster children:

(a) six years old or younger who are being prescribed one or more psychotropic medications; and

(b) seven years old or older who are being prescribed two or more psychotropic medications.

(5) The oversight team shall, upon request, be given information or records related to the foster child's health care history, including psychotropic medication history and mental and behavioral health history, from:

(a) the foster child's current or past caseworker;

(b) the foster child; or

(c) the foster child's:

(i) current or past health care provider;

(ii) natural parents; or

(iii) foster parents.

(6) The oversight team may review and monitor the following information about a foster child:

(a) the foster child's history;

(b) the foster child's health care, including psychotropic medication history and mental or behavioral health history;

(c) whether there are less invasive treatment options available to meet the foster child's needs;

(d) the dosage or dosage range and appropriateness of the foster child's psychotropic medication;

(e) the short-term or long-term risks associated with the use of the foster child's

64 psychotropic medication; or

65 (f) the reported benefits of the foster child's psychotropic medication.

66 (7) (a) The oversight team may make recommendations to the foster child's health care  
67 providers concerning the foster child's psychotropic medication or the foster child's mental or  
68 behavioral health.

69 (b) The oversight team shall provide the recommendations made in Subsection (7)(a)  
70 to the foster child's parent or guardian after discussing the recommendations with the foster  
71 child's current health care providers.

72 (8) The division may adopt administrative rules in accordance with Title 63G, Chapter  
73 3, Utah Administrative Rulemaking Act, necessary to administer this section.

74 (9) The division shall report to the Child Welfare Legislative Oversight Panel  
75 regarding the psychotropic medication oversight pilot program by October 1 of each even  
76 numbered year.

77 Section 2. Section **63I-1-262** is amended to read:

78 **63I-1-262. Repeal dates, Title 62A.**

79 (1) Subsections 62A-1-120(8)(g), (h), and (i) are repealed July 1, 2023.

80 (2) Section 62A-3-209 is repealed July 1, 2023.

81 (3) Section 62A-4a-202.9 is repealed December 31, ~~[2019]~~ 2021.

82 (4) Section 62A-4a-213 is repealed July 1, ~~[2019]~~ 2021.

83 (5) Section 62A-15-114 is repealed December 31, 2021.

84 (6) Subsection 62A-15-1101(7) is repealed July 1, 2018.